



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/464,831	12/16/1999	HABIB RIAZI	5-13-5	8145
7590	02/18/2004		EXAMINER	
LESTER H. BIRNBAUM 2159 GREENMEADOW DRIVE MACUNGIE, PA 18062			NGUYEN, HANH N	
			ART UNIT	PAPER NUMBER
			2662	6

DATE MAILED: 02/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/464,831	RIAzi ET AL.	
	Examiner	Art Unit	
	Hanh Nguyen	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Application filed on 12/08/03.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 7,12,20 and 25 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5,8-10,13-18,22,23 and 26 is/are rejected.
- 7) Claim(s) 6,11,19,21 and 24 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 4, 9, 14, 17 and 22 are rejected under 35 USC 102(e) as being unpatentable over **Walker et al.** (US Pat. No. 6,263,505 B1).

In claims 1, 4, 9, 14, 17 and 22, **Walker et al.** discloses, in Fig.1, a video source 10 transmitting video programs (a first cluster of program channels) and supplemental information (a second cluster of program channels) to television receiver 30, wherein the video programs and the supplemental information are synchronized by synchronization information 32 (clusters of program channels are synchronized by synchronization information). See col.4, lines 25-35 & col.5, lines 60-67 & col.7, lines 5-10. The supplemental information includes addition audio, text and visual information related to video programs. The synchronization information 32 represents

a time code (a synchronization value) which synchronizes a video programs and supplemental information. See col.7, lines 50-60.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 5, 10, 15, 18 and 23 are rejected under 35 USC 103(a) as being unpatentable over **Walker et al.** (US Pat. No. 6,263,505 B1), in view of **Limberg** (US Pat. No. 6,188,441 B1).

In claims 2, 5, 10, 15, 18 and 23, **Walker et al.** does not disclose cluster synchronization information is represented by a maximum length PN sequence. **Limberg** discloses data field synchronization segment for signal transmission comprises pseudo-random noise sequence information (cluster synchronization information is represented by a maximum length PN sequence). See Abstract. Therefore, it would have been obvious to represent the frame synchronization information in **Walker et al.** as PN sequence in order to detect and retrieve a desired audio program from a given cluster.

Claims 3 and 16 are rejected under 35 USC 103(a) as being unpatentable over **Walker et al.** (US Pat. No. 6,263,505 B1) in view of **Limberg** (US Pat. No. 6,188,441 B1), and further in view of **Rittenbach** (US Pat. No. 4,219,812).

In claims 3 and 16, **Walker et al.** does not disclose the step of using an eight-stage linear feedback shift register for generating maximum length PN sequence. **Rittenbach** discloses, in Fig.2, a Doppler radar system that generates 16 PN sequences with 255 bits a per period by utilizing combinations of feedback for an 8-stage shift register (using an eight-stage linear feedback shift register for generating maximum length PN sequence). See col.4, lines 35-40. Therefore, it would have been obvious to use the shift register of **Rittenbach** into the **Walker et al.** in order to generate PN sequences. The motivation is to identify the received audio programs.

Allowable Subject Matter

Claims 6, 11, 19, 21 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

In claims 6, 11, 19 and 24, the prior art does not disclose comparing phases of the correlation data for each cluster for identifying individual ones of the M clusters of program channels.

In claim 21, the prior art does not disclose a means for combining correlation data for each cluster for providing a cluster synchronization signal.

Response to Arguments

Applicant's arguments with respect to claims 1-5, 8-10, 13-18, 22, 23 and 26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Marko et al. (US Pat. No. 6,564,003 B2) discloses Method and Apparatus for Composite Data Stream Storage and Playback.

Yuzawa (US Pat. No. 6,363,061 B1) discloses Data Transmission Devices, Reception Device, Data Transmission System, and Data Transmission method.

Sachdev (US Pat. No. 6,574,338 B1) discloses Information Delivery System and Method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 703 306-5445. The examiner can normally be reached on Monday-Friday 8:30 AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703 306-4744. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-3988 for regular communications and 703 308-9051 for After Final communications.

Application/Control Number: 09/464,831
Art Unit: 2662

Page 6

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.
Fax number : 703 872-9314

Hanh Nguyen

A handwritten signature in black ink, appearing to read "Hanh Nguyen". The signature is fluid and cursive, with "Hanh" on top and "Nguyen" below it.

February 12, 2004